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RESPONSE TO COMMENTS FROM THE PUBLIC COMMENT PERIOD
FOR THE DRAFT PERMIT
OCCIDENTAL CHEMICAL CORPORATION
OHD 003 913 308
ASHTABULA, OHIO

INTRODUCTION

This response is issued pursuant to the Title 40 Code of Federal Regulations (40 CFR) Section 124.17, which requires that when any final permit decision is issued, the United States Environmental Protection Agency (U.S. EPA) shall describe and respond to all significant comments submitted in writing during the public comment period or raised during any public hearing held by the U.S. EPA; specify which provisions of the draft permit decision have been changed and the reason for the change; include in the administrative record for the final permit decision any documents cited in the response to comments; and make the response to comments available to the public.

The public comment period commenced August 26, 1991, with a public notice in the Star Beacon of Ashtabula as well as radio announcements on station WFUN, also in Ashtabula. A joint Ohio Environmental Protection Agency, (OEPA)/U.S. EPA public hearing was scheduled and announced in the public notices. The public hearing was scheduled and held September 26, 1991, at the Columbus Junior High School. The public comment period ended October 11, 1991.

COMMENTS AND RESPONSES

1. Comment:

Written comments were received from the plant manager of the Occidental Chemical Corporation (OCC) facility. The comments consisted of two items:

OCC believes that it has, through a series of investigations and subsequent implementation, substantially addressed the issue of corrective action for the facility. Through its studies, OCC feels that it has met the substantial requirements of a Resource Conservation and Recovery Act (RCRA) Facility Investigation and Corrective Measures Study.

The second comment involved the need to have the ability to allow for the inclusion of additional hazardous waste streams, which were not identified in the Part A application, in an expedient manner in order to respond to the semicommercial production of new products on a routine basis.

Response:

While OCC has initiated studies and remediation schemes that they believe may substantially have met the requirements of a RCRA Facility Investigation and Corrective Measures Study, the U.S. EPA has not received any reports or data for review. Therefore, OCC must still comply with the Corrective Action Requirements of its permit. The investigation workplan may make use of data and other studies previously performed, provided that the quality of the studies meet with U.S. EPA approval. U.S. EPA believes that additional work is required by OCC and that the RCRA Facility Investigation is still warranted. Permit Conditions III.C. and III.F.2. have been revised to

reflect the activities already undertaken by OCC. Permit Condition III.F.2.b. has been deleted.

In response to OCC's second comment; on June 30, 1989, the State of Ohio received authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926 and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. Since the State of Ohio has not yet received authorization to administer the entire hazardous waste program requirements of HSWA, additional permit conditions must be issued by the U.S. EPA to address these new requirements. Therefore, any addition of pre-HSWA waste codes to the Part A application should be addressed to the Ohio Environmental Protection Agency. In order to add post-HSWA waste codes to the facilities Part A, which comes under the authority of the U.S. EPA, the facility must comply with the permit modification procedures outlined in 40 CFR 270.42.

2. Comment:

Oral comments were received during the public meeting held on September 25, 1991. An official transcript is located in the Administrative Record. Commenter James S. Timonere, commented on page 4. Mr. Timonere's comments concerned the operation and any possible emergencies at the facility.

Response:

The comments do not apply to the Hazardous and Solid Waste Amendment Act portion of the RCRA permit. The topics are permitted under the authority of the Ohio Environmental Protection Agency (OEPA) portion of the RCRA permit. Mr. Timonere's comments will be addressed in the OEPA's Responsiveness Summary.

DETERMINATION

The U.S. EPA has determined that some permit conditions should be revised and/or clarified, in order to make the permit more specific. The following table lists the Permit Conditions and the Schedule of Compliance that have been changed, and the changes which have been made. Words that have been added are underlined; words that have been deleted are lined out.

Permit Condition	Change/Addition
I.G.	~~G. WASTE MINIMIZATION~~ ~~The Permittee shall certify at least annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, in accordance with 40 CFR 264.73(b)(9) and Section 3005(h) of RCRA, 42 U.S.C. §6925(h). The certification shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility.~~ ~~In addition, the Permittee's biennial report shall contain the following:~~ ~~1. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated, as required by 40 CFR 264.75(h);~~ ~~2. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, as required by 40 CFR 264.75(i). Information for the years prior to 1984 is only required to the extent such information is available; and~~ ~~3. The certification signed by the owner or operator of the facility or his authorized representative, as required by 40 CFR 264.75(j).~~
I.H.4.	~~4. Waste minimization certifications must be part of the operating record as required by 40 CFR 264.73(b)(9);~~

In the April 8, 1991, Federal Register notice gave final authorization to the State of Ohio for the Waste Minimization regulations which were published in the Federal Register, July 15, 1985. Permit Condition I.G. of the draft permit, gives the conditions with which the Permittee must comply concerning Waste Minimization. Because, the State of Ohio has authorization for these regulations, Section I.G. has been deleted. The section following I.G. which was I.H. has now been renumbered I.G. and the conditions I.H.5. and I.H.6. are now I.G.4. and I.G.5.

Permit Condition	Change/Addition
III.C.	~~There is also sufficient evidence to indicate that there is groundwater contamination at the Occidental Chemical Corporation facility. A 1987 report by International Technology (IT) Corporation identified various VOCs and hexachlorobutadiene in the groundwater near the new process building. In order to impede the further migration of hazardous constituents, Occidental Chemical Corporation followed the suggested remediation method prescribed by IT Corporation and encircled the facility with a slurry wall. Through the construction of French drains, the facility also planned to intercept and collect the accumulating groundwater. The contaminated groundwater would then be pumped through a series of air strippers and carbon adsorption filters within the new wastewater treatment plant and would eventually be disposed of through a permitted NPDES discharge point. Although Occidental Chemical Corporation had constructed the suggested remedial model, it was never actually placed into operation.~~ Groundwater contamination has been detected in the shallow till unit at the OCC facility. To address this contamination, OCC has installed a groundwater capture and treatment system designed to impede migration off-site, to reduce the flow of groundwater on site, and to capture and treat contaminated groundwater. The system includes a slurry wall around the entire site, including all of the identified SWMUs and AOC, and a series of trenches downgradient of the SWMUs and AOC. The system was made operational in early 1990.

The preceding section, III.C. was changed to reflect Occidental Chemical Corporation installing and making operational its groundwater capture and treatment system.

III.F.2.a.	~~a. Examine Groundwater Elevation at the Facility~~ ~~Within thirty (30) calendar days after the effective data of this permit, the Permittee shall determine the groundwater elevations for all the wells located at the facility. These water table values shall then be compared to the groundwater measurements obtained from previous investigations conducted at the Occidental Chemical Corporation Plant. Within thirty (30) calendar days after the analytical results have been obtained, the Permittee shall then submit a report analyzing these sample results in order to determine if any differences in groundwater elevation on either side of the slurry wall have~~

Permit Condition	Change/Addition
	~~created a condition whereby groundwater hydrostatic forces are directed outward from the encapsulated area. This report shall include all data used to develop the report and must also include further information regarding the rate of groundwater accretion and predominant groundwater flow direction within the encircled area.~~ ~~Following the submission of the report, the Permittee shall monitor and record groundwater levels within all the wells on a semiannual basis until a permanent corrective measure has been selected.~~ ~~If the results of the report indicate that the water table is higher within the encapsulated facility than in the zone outside of the slurry wall, the Permittee shall, upon written notice from the Regional Administrator, implement the recommended groundwater collection and treatment alternative suggested by IT (International Technology) Corporation in its December 1987, report, "Phase II - Groundwater Assessment and Recovery and Treatment Alternatives." This remediation method shall be implemented until the groundwater is approximately at the same elevation on both sides of the slurry wall. If any future measurements indicate an increase in the elevation of the groundwater within the slurry wall zone, then the previously mentioned treatment method shall be once again implemented.~~ Within thirty (30) calendar days after the effective date of this permit, the Permittee shall submit a report that summarizes all groundwater data collected at the facility, including copies of the original data.
III.F.2.b.	~~b. The Permittee shall begin implementation of such action within 30 days of the effective date of this permit.~~

The two preceding sections, III.F.2.a. and III.F.2.b. were changed due to the installation and operation of the capture and treatment system. This negated the need to start data collection during an interim period. The new language requires that Occidental Chemical Corporation submit all groundwater data that they have already collected.

Permit Condition	Change/Addition
IV.C.2.	~~The Permittee shall follow the waste analysis procedures required in 40 CFR Part 264, and as described in the waste analysis plan found in Attachment II.~~ The Permittee shall follow the waste analysis procedures required in 40 CFR Part 264, and as described in the Waste Analysis Plan found in Attachment II.

VI. SCHEDULE OF COMPLIANCE

~~FACILITY SUBMISSION SUMMARY~~

~~Below is a summary of the planned reporting and implementation requirements pursuant to this Schedule to Compliance.~~

A. Corrective Action

Notification of newly-identified	~~Thirty (30) calendar~~ Within thirty (30) calendar ....
Notification of newly-discovered	~~Thirty (30) calendar~~ Within thirty (30) calendar ....
~~Interim Measures Analysis Report~~	~~Thirty (30) calendar days after permit issuance.~~
Interim Measures Report	~~Thirty (30) calendar days after the sample results are obtained.~~ Within thirty (30) calendar days after the effective date of the permit.
RFI Workplan	~~Forty-five (45) calendar~~ Within forty-five (45) calendar....
RFI Report and Summary Report	~~Sixty (60) calendar days~~ Within sixty (60) calendar days ....

Permit Condition	Change/Addition
CMS Workplan	~~Forty-five (45) calendar~~ Within forty-five (45) calendar ....
CMS Final Report	~~Sixty (60) calendar days~~ Within sixty (60) calendar days ....
Demonstration of Financial Assurance	~~One-hundred-twenty (120)~~ Within one-hundred twenty (120)....
	B. Air Emission Standards
Notification of waste management of units subject to the requirements of 40 CFR Part 264, Subparts AA and BB.	~~Thirty (30) calendar~~ Within thirty (30) calendar....

The Schedule of Compliance was changed to reflect changes in the text of the permit.

The page numbering has changed for page numbers 7 to 20, in the draft permit, to pages 7 to 17. The page numbering was changed due to changes in the text of the final permit.

FACT SHEET
DRAFT FEDERAL PERMIT
FOR
Occidental Chemical Corporation
725 State Road
Ashtabula, Ohio
OHD 003 913 308

The United States Environmental Protection Agency (U.S. EPA) proposes to issue a Federal Permit to Occidental Chemical Corporation (OCC) for its hazardous waste storage facility located in Ashtabula, Ohio.

I. INTRODUCTION

Subtitle C of the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901, et seq. (commonly known as the Resource Conservation and Recovery Act of 1976 (RCRA)), was passed by the United States Congress to regulate hazardous waste nationwide. In addition, RCRA was amended substantially by the Hazardous and Solid Waste Amendments of 1984 (HSWA), which require that facilities comply with more stringent standards and require any facility seeking a permit to initiate corrective action for any environmental release at the facility from any solid waste management unit (SWMU), not otherwise regulated under RCRA.

On June 30, 1989, the U.S. EPA granted final authority to the State of Ohio to administer and enforce all of the Subtitle C regulations, with the exception of those promulgated pursuant to HSWA, in lieu of the U.S. EPA. The U.S. EPA will continue to manage the HSWA program until such time as the State of Ohio receives authorization to do so. This draft Federal permit addresses the requirements of HSWA, which include:

1. Waste Minimization;
2. Land Disposal Restrictions;
3. Corrective Action;
4. Toxicity Characteristic; and
5. Air Emission Standards for Process Vents and Equipment leaks.

II. DESCRIPTION OF FACILITY

The Occidental Chemical Corporation's (OCC) Ashtabula facility is located on 40 acres of land in Ashtabula Township, Ashtabula County, Ohio. The facility is approximately 3/4 of a mile east of the Ashtabula River and 1/4 of a mile south of Lake Erie. The facility consists of an office and warehouse building with an attached office, a boiler house, a process building and attendant tankage. A Penn Central Railroad spur transects the facility from south to north through the center of the facility. Bulk storage tanks are situated along the railroad tracks and in two diked areas west of the railroad tracks. The facility serves as the corporate semi-works, a link in the progression of new products from the research stage to full commercial production. The plant also manufactures high-performance, high-quality specialty chemicals. The plant produces 35-40 products per year serving major market segments such as:

facility. If the waste is restricted from land disposal and does not meet the specified treatment levels, then OCC must have the waste treated to the appropriate standard.

In accordance with Section 3004(j) or RCRA, as amended by HSWA, and 40 CFR 268.50, OCC may store restricted wastes for up to one (1) year unless the U.S. EPA can demonstrate that such storage is not for the purpose of accumulation of such quantities that are necessary to facilitate proper recovery, treatment, or disposal.

Corrective Action

HSWA also provides for Corrective Action of any release from a SWMU under Section 3004(u) and 3004(v) (the requirements have been codified in 40 CFR 264.101). It also requires owners and operators to provide information to the U.S. EPA, including sampling, to support that a release has or has not occurred.

During the fall of 1989, a RCRA Facility Assessment was conducted at the Occidental Chemical Corporation facility by staff members of A.T. Kearney, Incorporated. As a result of this assessment, 30 solid waste management units (SWMUs) and one area of concern (AOC) were identified at the facility. For some SWMUs the potential for a release is considered high as a result of documented evidence of soil contamination. With the exception of chromium contamination at one SWMU, all the constituents detected in the soils of the various units are comprised of differing volatile organic compounds (VOCs).

There is sufficient evidence to indicate that there is groundwater contamination at the OCC facility. A 1987 report by International Technology (IT) Corporation identified various VOCs and hexachlorobutadiene in the groundwater. In order to impede the further migration of hazardous constituents, OCC followed the suggested remediation method prescribed by IT and encircled the facility with a slurry wall. Through the construction of French drains, the facility also planned to intercept and collect the accumulating groundwater. The contaminated groundwater would then be pumped through a series of air strippers and carbon adsorption filters within the new wastewater treatment plant and would eventually be disposed of through a permitted NPDES discharge point. Although OCC had constructed the suggested remedial model, it was never actually placed into operation. Corrective Action will be taken at the OCC facility.

Toxicity Characteristic Leaching Procedure

This permit includes the Toxicity Characteristic (TC) Rule. The TC rule, which became effective September 25, 1990, replaces the Extraction Procedure (EP) toxicity test with the Toxicity Characteristic Leaching Procedure (TCLP), it adds 25 organic chemicals to the list of toxic constituents of concern, and it establishes regulatory levels for these organic chemicals.

The facility must use the TCLP, codified in Appendix II of 40 CFR 261, or use knowledge of the waste, to determine whether a waste exhibits the characteristic of toxicity as defined in 40 CFR 261.24.

Air Emission Standards for Process Vents and Equipment Leaks

HSWA as required by Section 3004(n) of RCRA, provides for final standards limiting organic emissions from process vents and leaks from equipment. These requirements are codified in 40 CFR 264.1030 - 264.1036 and 264.1050 - 264.1065. These air emission standards became effective December 21, 1990.

The regulated process vents are associated with distillation, fractionation, thin-film evaporation, solvent extraction, and air or steam stripping operations that manage hazardous wastes with 10 parts per million by weight (ppmw) or greater total organic concentration. The equipment leaks that are regulated are from equipment that contains or contacts hazardous waste streams with 10 percent by weight or greater total organic concentration.

III. PUBLIC PARTICIPATION

Public Comment Procedures

The purpose of public participation is to inform the interested public of the proposed actions of the U.S. EPA and to provide the public with the opportunity to comment on those actions. In addition, this insures that the U.S. EPA has an opportunity to benefit from any information the public might have relevant to the proposed action. The public comment and public hearing procedures which will be followed are found in the Code of Federal Regulations (CFR) at 40 CFR 124.11 and 40 CFR 124.12.

The public comment period opens August 26, 1991, and will close on October 11, 1991. A public hearing on the draft Federal HSWA Permit will be scheduled if requested. After the close of the public comment period and the requested public hearing, the U.S. EPA will decide whether to issue the final Federal HSWA Permit. Written comments submitted during the public comment period and statements provided at the public hearing will be considered by the Regional Administrator in the formulation of his final decision. Responses to written comments and statements will be included in the record supporting the final decision of the Agency. The final permit decision by the U.S. EPA will be communicated to the applicant, each person who submitted a written comment during the public comment period, persons providing statements at the public hearing, and any person who submits a written request to be notified. If none of the comments received requested a change in the draft permit conditions, the permit will become effective immediately upon issuance of the permit. If comments received during the comment period requested changes in the draft permit conditions, then the final permit will become effective thirty (30) days after service of notice of the decision or at a later date if review is requested under 40 CFR 124.19.

Locations of Available Information

The administrative record for the draft Federal HSWA Permit is on file at U.S. EPA, Region V, 13th Floor, 230 South Dearborn Street, Chicago, Illinois 60604, and may be inspected and copied at any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, except for legal holidays. In addition, copies of

the draft Federal HSWA Permit and Fact Sheet for the proposed facility permit are available for review at:

Ashtabula County District Library
335 W. 44th St.
Ashtabula, Ohio 44004

Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, Ohio 44087
Telephone: (216) 425-9171

Ohio Environmental Protection Agency
Main Office
1800 WaterMark Drive
Columbus, Ohio 43216-0149
Telephone: (614) 644-2956

Contact Person

Written comments on the draft Federal HSWA Permit must be received by the addressee below, no later than October 15, 1991. All comments should include the name and address of the writer, a concise statement of the exact basis for any comment, and the supporting relevant facts upon which the comment is based.

United States Environmental Protection Agency
Region V
RCRA Permitting Branch (5HR-13)
230 South Dearborn Street
Chicago, Illinois 60604

For further information, contact Stephen Bouchard, at (312) 886-7569.